

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 29972 of 2007(S)

I.A.NO.3648/2007 IN OP.590/2007 of FAMILY COURT,THRISSUR
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PETITIONER:

JOSEPH M.P.,S/O. M.A.PORINCH,
BRIGHT WAYS COTTAGE, NEAR SHETTLY BUILDING
MEDRAHALLY P.O. BANGALORE 560 090.

BY ADV. SRI.D.ANIL KUMAR

RESPONDENTS:

SHICY,D/O.JOSEPH,
VAZHAPPILLY HOUSE,
ERUMAPETTY VIA, THRISSUR DISTRICT.

BY ADV.SRI.RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C)No.29972/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE ORDER OF THE SUPREME COURT IN TRANSFER PETITION (C)NO.416/2006

EXT.P2. TRUE COPY OF THE ORDER IN I.A.2005/2007 IN O.P.590/2007 DATED 30-5-2007 OF THE FAMILY COURT, THRISSUR.

EXT.P3. TRUE COPY OF THE I.A.3648/2007 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, THRISSUR DATED 15-9-2007

EXT.P4. TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN I.A.3648/07 IN O.P.590/07 BEFORE THE FAMILY COURT, THRISSUR.

EXT.P5. TRUE COPY OF THE ORDER DATED 28-9-2007 IN I.A.3648/07 IN O.P.590/2007 OF THE FAMILY COURT, THRISSUR.

EXT.P6. TRUE COPY OF THE CERTIFICATE ISSUED BY THE PRINCIPAL OF THE SCHOOL.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P(C)No.29972 of 2007

Dated this the 17th day of October, 2007

JUDGMENT

Kurian Joseph,J.

This writ petition is filed challenging Ext.P5 interim order passed by the Family Court, Thrissur in I.A.No.3648/2007 in O.P.No.590/2007. Pursuant to the directions issued by this court both the parties are present along with their child Aaron Joseph. We spoke to the parties and to the child also. We fairly appraised the parents that the child has a right to get the love, care and affection of both the father and mother. The father and mother should educate the child that the child should love both the father and mother. The parents may fight for several reasons. But they should have the wisdom to know that their fight shall not affect their child. They should know that despite their fight, the child should be taught to love both the father and mother. The child shall be helped to love the parents.

2. We are told that there are several litigations pending between the parties before the Family Court, Thrissur. There will be a direction to the Family Court, Thrissur to consolidate all the cases pending between the parties and dispose of the same within a period of four months from the date of production of a copy of the judgment. As far

as the interim custody during the pendency of the proceedings before the Family Court, we issue the following directions.

Today the child shall be handed over to the respondent mother Shicy. The child shall be taken back to the father on Monday, 22nd October, 2007 at Bangalore. During holidays in December, 2007 the petitioner-father shall entrust the child with the respondent-mother for three days of which one day shall be the 25th December, 2007.

We make it clear that we have not expressed any opinion as to the merits of the case and the above directions are issued only in the interests of the child.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

**KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.**

W.P(C)No.29972 of 2007

JUDGMENT

17th October, 2007